

**ACTION BY:** Regional Offices  
State Agencies

Distribution of USDA-donated Foods to Schools,  
Child Care Institutions, and Service Institutions

I PURPOSE

This Instruction clarifies the responsibilities of the Regional Offices, State Educational Agencies and State Distributing Agencies for distributing USDA-donated foods for use in child nutrition programs. This Instruction is not applicable to the Child Care Food Program in States that elect cash in lieu of commodities under section 226.16(b) of the regulations.

II AUTHORITY

A Section 250.8(a) of the regulations states, in part, that "Schools which participate in the National School Lunch Program under Part 210 of this chapter or the School Breakfast Program under Part 220 of this chapter are eligible to receive commodities under section 416, section 32, section 209, section 6, and section 14." Commodity only schools are eligible to receive commodities purchased under sections 32, 416, 709, and sections 32 and 416 commodities purchased under section 14 authority.

B Section 250.6(g) of the regulations states, in part, that "Distribution of commodities to schools, service institutions, and non-residential child care institutions shall be made on the basis of the average daily number of meals to be served which meet the meal type requirements prescribed in the regulations for the National School Lunch Program under Part 210 ..., the School Breakfast Program under Part 220 ..., the Summer Food Service Program for Children under Part 225 ..., and the Child Care Food Program under Part 226 of this chapter, respectively, as evidenced by information provided by the administering State agency or FNSRO by September of each year for schools and nonresidential child care institutions and by June of each year for service institutions, and supplemented subsequently as necessary. Distribution of section 6 commodities shall be limited to those schools, service institutions, and nonresidential child care institutions which participate in such child nutrition programs under this chapter."

DISTRIBUTION: AD, F1, F2, FNS-A, FNS-D, FNS-E	MANUAL MAINTENANCE INSTRUCTIONS: Major changes starred. Remove pages 2 and 3 of FNS(CN) Instruction 783-8, Rev. 1, from manual. Insert these revised pages.	RESPONSIBLE FOR PREPARATION AND MAINTENANCE: CN-300	Page 1 12-30-76
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C Section 210.14(d) of the regulations states, in part, that "Information on schools eligible to receive food commodities available under section 6 of the Act shall be prepared each year by the State agency with accompanying information on the average daily number of Type A lunches to be served in such schools. This information shall be prepared as early as practicable each fiscal year and forwarded no later than September 1 to the agency of the State handling the distribution of section 6 commodities."

\* D \*-Section 225.5(1) of the regulations states, in part, that "A  
\* list of sponsors which are to receive food commodities, with accompanying  
\* information on the average daily number of meals to be served by such  
\* sponsors, shall be prepared not later than June 1 of each year by the  
\* State agency. Such a list shall contain only the names of sponsors which  
\* will prepare the meals to be served at their sites and the names of sponsors  
\* which have entered into an agreement with a school or school district for  
\* the preparation of meals to be served under the Program. If the State  
\* agency is other than the agency of the State which handles the distribution  
\* of food commodities donated by the Department, this information shall  
\* be forwarded to the agency of the State which handles the distribution of  
\* donated commodities."-\*

E The legal authorities to distribute sections 6, 14, 32, 416, and 709 commodities to the various child nutrition programs are also found in sections 6(a) and 6(e), 13(g), 14(a), and 17(e) of the National School Lunch Act, as amended, and in section 8 of the Child Nutrition Act of 1966, as amended.

### III ALLOCATION GUIDE

A State Distributing Agencies are expected to offer to each of the respective child nutrition programs within each State an amount of commodities commensurate in value to each program's per meal level of commodity assistance provided by the USDA. Commodities are to be allocated to the extent possible to participating programs based on the number of meals served by each program which meet dietary requirements prescribed by the Secretary of Agriculture in Child Nutrition Regulations. A la carte lunches are not to be counted as "meals."

B All commodity allocations for the School Breakfast Program are to be based on the number of breakfasts served. The types of food made available do not have to be those traditionally associated with a morning meal.

C Schools, child care institutions and service institutions (as redefined by Public Law 94-105) which participate in food service programs under the National School Lunch Act, as amended, and the Child Nutrition Act, as amended, are eligible to receive sections 6, 14, 32, 416, and 709 foods.

#### IV RESPONSIBILITIES

A The State Educational Agency, other State Agency, or Regional Office, where applicable, shall:

1 Prepare lists of participating schools and institutions as follows:

a By September 1 of each year, a list of schools as defined in section 210.2(o) of the regulations, commodity only schools as defined in section 210.2(c-2) of the regulations, and institutions as defined in section 226.2(p) of the regulations which have been approved for participation in the National School Lunch, the School Breakfast, Commodity Only and the Child Care Food Programs.

b As soon as possible after the beginning of each calendar year, but not later than June 1, a list of \*-eligible and approved Summer Food Service Program sponsors as defined in section 225.5(1) of the regulations.-\*

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2 Include the following information in each list:

a The name and address of each eligible school, child care institution and service institution. Where applicable, the agreement number should be specified.

b The types of program (i.e., National School Lunch, School Breakfast, Commodity Only, Child Care Food or Summer Food Service Programs) in which each eligible recipient agency participates.

c The caseload factors (use estimates for newly approved schools and institutions) as follows:

(1) The average daily number of lunches and the average daily number of breakfasts served during the previous school year, by program, in each school participating in the National School Lunch or School Breakfast Programs. (Breakfast tabulation and lunch tabulation shall be kept separate.)

(2) The average daily number of lunches meeting program requirements served in each commodity only school during the most recent 6-month period. (Include paid, free and reduced price lunches°)

(3) The average daily number of lunches and suppers served by each child care institution during the most recent 6-month period.

(4) The total number of meals and meal supplements served by service institutions during the previous summer's operations.

3 Forward the lists of schools and child care institutions to the State Distributing Agency, if other than the State Educational Agency, no later than September 1, and forward the list of service institutions as soon as possible in the new calendar year, but no later than June 1.

4 Update and forward lists as necessary.

B The State Distributing Agency shall:

Distribute donated foods to eligible school districts, child care institutions, and service institutions on an equitable basis, insofar as practical, by:

1 Considering the number of meals to be served which meet program requirements.

2 Using currently legislated and/or budgeted per meal values for lunches and breakfasts in schools, lunches and suppers in child care institutions, and meals and meal supplements in service institutions.


3 Considering requests for food substitution, whenever practical and possible, to eligible recipient agencies with special dietary restrictions and ethnic preferences which either prevent or enhance the acceptance of certain foods because of religious, ethnic, cultural or other reasons.

4 Considering inventory and storage capacities at schools where distribution is made.

V COUNTS AND SUGGESTIONS

We solicit your comments and suggestions for improvement. Contact the:

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